

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

7 ROBERTA ANN STEVENS,
8 Plaintiff,
9 v.
10 JO GENTRY et al.,
11 Defendants.
12

2:16-cv-00277-JCM-GWF

ORDER

I. DISCUSSION

14 Plaintiff is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”).
15 (ECF No. 1-1 at 2). On February 11, 2016, Plaintiff, then *pro se*, initiated this case by filing
16 a civil rights complaint pursuant to 42 U.S.C. § 1983 and original and supplemental
17 applications to proceed *in forma pauperis*. (ECF No. 1, 1-1, 2). The screening order permitted
18 some of Plaintiff’s claims to proceed to mediation. (ECF No. 3 at 11). At mediation, the
19 parties agreed that outside counsel would represent the remaining defendants and that the
20 parties would participate in a second mediation. (ECF No. 10 at 2). Prior to the second
21 mediation, Plaintiff obtained private counsel. (ECF No. 16, 17, 18). The parties did not reach
22 a settlement at the second mediation.¹ (ECF No. 18).

23 The Court now denies, without prejudice, Plaintiff's original and supplemental
24 applications to proceed *in forma pauperis* (ECF No. 1, 2). The Court directs Plaintiff to either
25 file an updated application to proceed *in forma pauperis* for prisoners or pay the full filing fee
26 of \$400 to proceed with this action.

¹⁸ The Court ordered Defendants to file a status report on the mediation on or before Friday, March 3, 2017. (ECF No. 13 at 2). Defendants did not file a status report with the Court.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the original and supplemental applications to proceed *in forma pauperis* (ECF No. 1, 2) are denied without prejudice.

IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that **on or before Friday, March 31, 2017**, Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order, the Court will dismiss this case with prejudice.

IT IS FURTHER ORDERED that this case shall proceed on the normal litigation track as guided by the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that service must be perfected within ninety (90) days from the date of this order pursuant to Fed. R. Civ. P. 4(m).

DATED: This 14th day of March, 2017.

George Foley Jr.
United States Magistrate Judge